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*Attorneys for Interested Party
Nevada Department of Corrections*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HAROLD E. MONTAGUE,
Plaintiff,

v.

MAINWARNING, *et al.*,
Defendants.

Case No. 2:22-cv-00034-RFB-VCF

**MOTION TO VACATE CASE
FROM THE INMATE EARLY
MEDIATION PROGRAM**

Interested Party Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Leo T. Hendges, Senior Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby moves to vacate the Inmate Early Mediation Conference currently scheduled for October 20, 2023.

I. PROCEDURAL HISTORY

The parties held the mandatory telephonic meet and confer on Tuesday, October 3, 2023, at 11:00 a.m. ECF No. 21 at 4:5-8. During that phone call, Plaintiff Harold E. Montague (Montague) expressed his settlement demands to counsel for Interested Party. The parties were able to reach agreement on a settlement, the terms were reduced to writing using the court approved settlement agreement form, and the representative for the Interested Party signed the settlement agreement.

1 Montague reviewed the settlement agreement and stipulation to dismiss, and also
2 signed the paperwork on October 4, 2023. A copy of the settlement agreement was provided
3 to the mediator in lieu of the early mediation conference statement.

4 At this point, there is a binding agreement to settle the case in its entirety. Counsel
5 for the Interested party is in possession of the signed stipulation to dismiss, which will be
6 filed ONLY AFTER the terms of the settlement agreement are fulfilled. As such, there is
7 no need for the parties to participate in the early mediation conference.

8 **II. CONCLUSION**

9 Interested Party Nevada Department of Corrections seeks an order vacating the
10 early mediation conference based on the binding settlement agreement reached following
11 the mandatory pre-mediation telephonic meet and confer.

12 DATED this 5th day of October, 2023.


13 AARON D. FORD
14 Attorney General

15 By: /s/ Leo T. Hendges
16 LEO T. HENDGES (Bar No. 16034)
Senior Deputy Attorney General

17 *Attorneys for Interested Party Nevada*
18 *Department of Corrections*

19
20 IT IS HEREB ORDERED that the inmate early mediation SCHEDULED for
21 October 20, 2023, is VACATED.

22
23 IT IS SO ORDERED.

24 
25 _____
26 Cam Ferenbach
United States Magistrate Judge

27 DATED 10-5-2023
28 _____

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on October 5, 2023, I electronically filed the foregoing **MOTION TO VACATE CASE FROM THE INMATE EARLY MEDIATION PROGRAM** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Harold Montague, #1125410
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Email: HDSP_LawLibrary@doc.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General